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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/908,265	08/07/1997	DANIEL L. AUCLAIR	HARI026US2	9300

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EXAMINER

MOISE, EMMANUEL LIONEL

ART UNIT PAPER NUMBER

2133

DATE MAILED: 05/05/2003

28

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
08/908,265

Applicant(s)  
Auclair et al.

Examiner  
Emmanuel L. Moise

Art Unit  
2133



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jan 29, 2003
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 35, 36, 38-40, and 45-51 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 35 and 38-40 is/are allowed.
- 6) ☒ Claim(s) 45-51 is/are rejected.
- 7) ☒ Claim(s) 36 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 22 6) ☐ Other:

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***Response to Request for Reconsideration***

1. This Office action is responsive to Applicant's Request for Reconsideration received on January 29, 2003. Claims 35-36, 38-40, and 45-51 are pending.
2. The 35 U.S.C. 102(b) rejection of claims 35-36, 38-40, and 45-51 has been withdrawn due to Applicant's convincing arguments. After further review, however, the following objection and 35 U.S.C. 112 rejection of the claims follow.

***Claim Objections***

3. Claim 36 is objected to because in line 2, "the cell" should apparently read as --the first cell-- for clarity.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. Claims 45-51 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 45, in lines 9-10, the language "generating a second read result voltage in response to said applying said **first** read voltage;" is apparently misleading and confusing since it has already been recited in the claim that a first read result is generated in response to applying a

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first voltage. The aforementioned language should apparently read as --generating a second read result voltage in response to said applying said **second** read voltage;--.

In claim 46, in line 2, the language "rewriting data" is confusing and misleading because it is not clear as to whether "rewriting data" means 'generating another/other read voltage/s' or 'data that is not identical to read voltage/s'.

In claim 47, in line 1, "the data values" has no clear antecedent basis.

Claims 48-51 are also rejected under 35 U.S.C. 112, second paragraph, due to their dependency upon claim<sup>45</sup> 45.

#### ***Allowable Subject Matter***

5. Claims 45-51 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

6. An interference cannot be initiated since a prerequisite for interference under 37 CFR 1.606 is that the claims be patentable to the applicant subject to a judgment<sup>45</sup> in the interference.

#### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel L. Moise whose telephone number is (703)305-9763.

The examiner can normally be reached on Monday - Friday from 08:30 a.m. - 5:00 p.m.

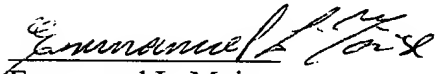
If attempts to reach the examiner by telephone are unsuccessful, the examiner's

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supervisor, Albert Decady, can be reached on (703)305-9595. Any response to this action should be mailed to: Commissioner of Patents and Trademarks Washington, D.C. 20231, or faxed to: (703) 746-7239, (for formal communications intended for entry), Or: (703) 746-7240 (for informal or draft communications, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
Emmanuel L. Moise  
Primary Patent Examiner  
Art Unit 2133

April 25, 2003